

in Declaration of Edward A. Icové in Support of Plaintiff's Motion for an Award of Costs and Attorney Fees.

5. The prevailing market rate for the time and quality of services provided by Edward A. Icové is \$400.00 per hour.

6. The reasonable attorney fee for the services of Mr. Icové in this matter is \$85,880.00;

7. Mr. Icové is applying for reimbursement of \$2,616.97 in expenses in connection with the prosecution of this litigation.

8. Plaintiff's attorney, Stephen R. Felson, has expended 210.55 hours on behalf of Plaintiff. His contemporaneously kept records reflecting his time spent on this case is contained in Declaration of Stephen R. Felson in Support of Plaintiff's Motion for an Award of Costs and Attorney Fees.

9. The prevailing market rate for the time and quality of services provided by Stephen R. Felson is \$81,020.00 per hour.

10. The reasonable attorney fee for the services of Mr. Felson in this matter is \$400.00;

11. Mr. Felson is applying for reimbursement of \$1,016.99 in expenses in connection with the prosecution of this litigation.

12. Plaintiff's attorney, Kevin K. Russell, has expended 254.9 hours on behalf of Plaintiff. His contemporaneously kept records reflecting his time spent on this case is contained in Declaration of Kevin K. Russell in Support of Plaintiff's Motion for an Award of Costs and Attorney Fees.

13. The prevailing market rate for the time and quality of services provided by Kevin K. Russell in the U.S. Supreme Court is \$500.00 per hour.

14. The reasonable attorney fee for the services of Mr. Russell in this matter is \$127,450.00.

15. Mr. Russell is applying for reimbursement of \$5,011.80 in expenses in connection with the prosecution of this litigation.

16. Plaintiff's attorney, O. Randolph Bragg, expended 86.5 hours on behalf of Plaintiff. Mr. Bragg's associate Craig Shapiro spent 1.9 hours on this litigation as an associate attorney. Mr. Bragg's paralegal Shannon Carter spent 2.2 hours on this litigation. Their contemporaneously kept records reflecting their times spent on this case are contained in Declaration of O. Randolph Bragg in Support of Plaintiff's Motion for an Award of Costs and Attorney Fees.

17. The prevailing market rate for the time and quality of services provided by O. Randolph Bragg is \$400.00 per hour and \$110.00 for his paralegal. The prevailing market rate for the time and quality of services provided by Mr. Bragg's associate, Craig Shapiro, is \$225.00 per hour.

18. The reasonable attorney fee for the services of Mr. Bragg in this matter is \$34,600.00 (86.5 hrs. x \$400). The reasonable fee for the services of Mr. Shapiro as an associate attorney in this matter is \$427.50 (1.9 hrs. x \$225). The reasonable fee for the services of Mr. Bragg's paralegal Shannon Carter is \$242.00 (2.2 hrs. x \$110). The total of these three figures is \$35,269.50.

19. Costs and litigation expenses of \$5,146.53 were incurred to date by Mr. Bragg's

firm in the prosecution of this litigation. See Declaration of O. Randolph Bragg in Support of Plaintiffs' Motion for an Award of Costs and Attorney Fees, Exhibit B.

20. Within seven (7) days of the close of briefing on this matter, Plaintiff's counsel will submit supplemental declaration of attorneys' time and costs expended on this Motion and request a supplement award of attorney fees.

WHEREFORE, Plaintiff requests this Honorable Court to award attorney fees for the services of Plaintiffs' counsel Edward A. Icové in the amount of \$85,880.00 and costs of \$2,616.97, to award Stephen R. Felson attorneys fees in the amount of \$81,020.00 and costs of \$1,016.99, to award Kevin K. Russell attorneys fees in the amount of \$127,450.00 and costs of \$5,011.80, and to award O. Randolph Bragg attorneys fees in the amount of \$35,269.50 and costs of \$5,146.53, for a total award of \$329,619.50 attorneys fees and \$13,792.29 costs to Plaintiff. This Motion will be supplemented with the further Declarations of Plaintiff's counsel detailing the additional costs and attorney time expended in the preparation of this Motion.

<u>Attorney</u>	<u>Hour</u>	<u>Rate</u>	<u>Attorney Fees</u>	<u>Costs</u>	<u>Total</u>
Edward A. Icové	214.70	\$400	\$85,880.00	\$2,616.99	\$88,496.97
Stephen R. Felson	210.55	\$400	\$81,020.00	\$1,016.99	\$82,036.99
Kevin K. Russell	254.9	\$500	\$127,450.00	\$5,011.80	\$132,461.80
O. Randolph Bragg	86.5	\$400	\$34,600.00	\$5,146.53	\$40,416.03
Craig Shapiro	1.9	\$225	\$427.50		
Shannon Carter	2.2	\$110	\$242.00		
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TOTAL	770.75		\$329,619.50	\$13,792.29	\$343,411.79

Respectfully submitted,

/s/ O. Randolph Bragg

O. Randolph Bragg, *pro hac vice*
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, O. Randolph Bragg, do hereby certify that on May 3, 2011, a copy of the foregoing document and all attachments were sent by Electronic Case Filing (ECF) to all counsel of record including:

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ATTORNEYS FOR DEFENDANTS

s/ O. Randolph Bragg
O. Randolph Bragg